

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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PAULETTE LASTER,

Plaintiff,

v.

Case No. 23-cv-01030

CITY OF MILWAUKEE ET AL

Defendant.

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**JOINT FED. R. CIV. P. 26(f) REPORT**

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The Court having set a telephonic Fed. R. Civ. P. 16(b) scheduling conference for January 9, 2023 at 10:00 a.m. CST, Plaintiff, PAULETTE LASTER, on behalf of the Estate of Myles Elliott Laster (“Plaintiff”), through her undersigned attorney, and Defendants, CITY OF MILWAUKEE, BRANDON A. GATSON, TIMEKA R PARKER. (“Defendants”), through its undersigned attorney, pursuant to Fed. R. Civ. P. 26(f) and the Court’s November 21, 2023 Order, submit the parties’ Joint Rule 26(f) Report.

Counsel for the parties conferred on the matters set forth in Fed. R. Civ. P. 26 on December 4, 2023 and discussed all of the issues required by Rule 26(f). All parties have had the opportunity to review and consent to the filing of this Joint Rule 26(f) Report. For the Rule 16 Scheduling Conference, Attorney B’Ivory LaMarr, counsel for Plaintiff, will participate and be available at (800) 679-4600, Ext. 700. Attorney William Hotchkiss, counsel for Defendants, will participate and be available at (414) 286-2619.

1. Nature of the Case. Plaintiff has brought this action under 42. U.S.C. §1983 of the Civil Rights Act of 1964, and State Negligence, as amended, alleging State-Created danger and

Abuse of Power. More specifically, the Plaintiff alleges that the defendants not only failed to respond appropriately to an emergent, life-threatening situation but egregiously exacerbated the peril by advising the plaintiff to stay put in the vicinity of the imminent threat. Compounding this negligence, there was a conspicuous absence of law enforcement— who, despite (2) two desperate calls to 911 by the plaintiff, did not arrive until after over two hours later when it was tragically too late. The defendants deny such assertions.

2. Amend Pleadings. The complaint was amended by Plaintiff and no further amendment is anticipated.

3. Joining Other Parties. Neither party anticipates joining other parties.

4. The Nature of Discovery. The Parties agree that the timing, extent, and limitations on discovery shall be those set forth in the FEDERAL RULES OF CIVIL PROCEDURE and the Court's local rules and by the Court's customary Scheduling Order. Both Parties reserve the right under FED. R. CIV. P. 30(a) to move for additional fact depositions or interrogatories. At this time, the Parties do not anticipate any special issues related to the disclosure or discovery of electronic information but will promptly address any issues that do arise during the course of discovery. The Parties agree to make any and all necessary efforts to preserve all discoverable information, including electronically stored information. Unless otherwise specifically agreed, production of electronically stored information should initially be produced as static images (hard/printed copies) or .pdf documents. The Parties anticipate that they will request hard/printed copies or .pdf copies of e-mails and other electronic communications.

5. Privilege. The Parties shall comply with Fed. R. Civ. P. 26(b)(5) relative to asserting claims of privilege or protection as trial preparation material after information is produced. The parties agree that any information which may be used for identity theft such as

social security numbers, bank account numbers, insurance policy numbers or any other similar information may be redacted by the party producing the document and shall be redacted in the event the document is presented as evidence before the court. The Parties do not currently anticipate that they will need to stipulate to a protective order for certain information to be provided in discovery but will meet and confer should the need arise.

The parties confirm that documents filed through the Court's ECF system are served by ECF notification. The parties consent that service by electronic means shall be allowed as set forth in Fed. R. Civ. P. 5(b)(2)(E). The parties agree that copies of all written discovery requests and proposed findings of fact shall be provided and/or served electronically in a format editable by the other party (such as Word format), and that copies of all proposed findings of fact as required by the Court's standing order regarding summary judgment motions shall be served electronically in a similar editable format.

5. Motions Contemplated by the Parties. Defendant anticipates the filing of a Motion for Summary Judgment after the close of discovery. Plaintiff does not immediately anticipate filing a Motion for Summary Judgment but reserves the right to do so.

6. Length of Trial. The parties' best estimate is that the trial in this matter may take four to five days, including liability and damages.

7. Request for Jury Trial. Plaintiff has submitted a demand for a jury trial.

8. Settlement Discussions. The parties have not discussed settlement, but will consider engaging in such discussions beginning on or around January 15, 2024.

#### **Proposed Case Schedule**

January 9, 2024	Deadline to File Amendments Without Leave of Court
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January 24, 2024	Initial Rule 26(a) Disclosures Due
May 1, 2024	Plaintiff's Expert Witness Disclosures Due (if any)
June 14, 2024	Defendant's Expert Witness Disclosures Due (if any)
July 26, 2024	Close of Discovery
September 9, 2024	Dispositive Motions Due (30 and 21-day briefing schedule)

Respectfully submitted this 6th day of December 2023.

PAULETTE LASTER

CITY OF MILWAUKEE ET AL

s/ B'Ivory LaMarr

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